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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,492	10/24/2003	Shu-Li Huang		7228

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EXAMINER

JOYNER, KEVIN

ART UNIT PAPER NUMBER

1744

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,492	Applicant(s) HUANG, SHU-LI	
	Examiner Kevin C. Joyner	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitations "the upper housing" and "the lower housing" in lines 4 and 5 respectively. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, the examiner will treat the claim as though it reads, "the upper casing" and "the lower casing".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vieira (U.S. Patent No. 6,446,583) in view of Glucksman et al. (U.S. Patent No. 4,795,883) and Cartellone (U.S. Patent No. 6,511,531).

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6. Vieira discloses a flame-free aromatizer burner comprising an upper casing, a lower casing (as disclosed in Figure 5, slots (14 and 15) define upper and lower casings of the housing (13)), a ceramic core fixing assembly (26), and an electrothermal device (referenced as a heating element (20)); wherein the ceramic core fixing assembly and the electrothermal device are located in a housing formed by the upper housing and the lower housing (as shown in Figure 6); and the characteristics being that, the flame-free aromatizer burner is fastened at an aromatherapy essence ceramic core using the ceramic core fixing assembly (as disclosed in column 3, lines 36-42); the electrothermal device is an elastic dilating ring structure (as broadly defined, the electrothermal device is an elastic dilating ring structure as shown in Figure 7); the electrothermal device is joined with a control circuit board (as broadly defined, the heating element (20) is also a control circuit board); using the aforesaid structure, the flame-free aromatizer burner is fastened at the ceramic core using the ceramic core fixing assembly and is surrounded by the ring structure (as shown in Figure 2); and a current is conducted through the ring-structure using the control circuit board, thereby producing a high temperature for heating the aromatherapy essence ceramic core (as disclosed in column 4, lines 55-61). Vieira also discloses that the control circuit board also includes a light emitting diode for indicating usage status (column 3, lines 51-54).

7. Vieira does not appear to disclose the limitation in claim 1 comprising that the flame-free aromatizer burner is fastened using a spring clamping structure. A spring clamping structure is common fastening device and is a known equivalent alternative to the fastening device of Vieira. Cartellone discloses an example of this in the patent for

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a room air filtering and freshening device. The patent further discloses that the freshening device includes a spring clamping structure as a fastening device (column 8, lines 25-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Vieira to include a fastening device with a spring clamping structure as exemplified by Cartellone, as such is a known equivalent alternative and allows for easy access to the inner portions of the casing without the use of tools.

8. Vieira does not appear to disclose the limitation in claim 1 that the electrothermal device has a structure made of a silicon thermal conductive material; therefore, it would have been necessary and thus obvious to look to the prior art for conventional materials. Glucksman provides this conventional teaching showing that it is known in the art to use a silicon thermal conductive material for a structure in the electrothermal device (column 5, lines 3-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the structure in the electrothermal device from a silicon conductive material motivated by the expectation of successfully practicing the invention of Vieira.

9. In regards to the limitations of claim 2, Vieira in view of Glucksman and Cartellone is relied upon as set forth in reference to claims 1 and 3 above. Vieira does not appear to disclose that the control circuit board has an integrated circuit for controlling time and a relay, thereby controlling a heating time of a conductive body. Glucksman also discloses that the invention of the aroma generating apparatus and driver circuit further includes a control circuit board (referenced as a driving circuit) with

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an integrated circuit for controlling time and relay, thereby controlling a heating time of a conductive body (column 5, lines 44-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Vieira in view of Glucksman and Cartellone to include an integrated circuit for controlling the heating time of a conductive body in order to notify the operator when the aroma is expended and eliminate the unnecessary heating for safety purposes as exemplified by Glucksman as well.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin C. Joyner whose telephone number is (571) 272-2709. The examiner can normally be reached on M-F 8:00-4:30.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCJ



GLADYS JP CORCORAN
SUPERVISORY PATENT EXAMINER